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The Canadian Industrial Disputes Investigation Act

Research Report Number 5
April, 1918

Revised and Reprinted
April, 1920

National Industrial
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THE CANADIAN INDUSTRIAL DISPUTES INVESTIGATION ACT

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RESEARCH REPORT NUMBER 5

APRIL, 1918

REVISED AND REPRINTED
APRIL, 1920

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Foreword

THE rapid development of legislation for the adjustment of industrial disputes both in America and Europe emphasizes the importance of experience under such laws, particularly those that have been in operation for a length of time sufficient to reveal their practical working and the social reactions which develop under them.

The present report deals with the operation of one of the most important of these statutes, the Canadian Industrial Disputes Investigation Act of 1907, which has been in operation without essential change for thirteen years.

UNIV. OF CALIFORNIA
WASHINGTON DELTA

The Canadian Industrial Disputes Investigation Act

The Canadian Industrial Disputes Investigation Act of 1907 does not embody the whole of Canadian law for dealing with labor disputes, but was enacted as a supplement to two other laws both of which are still in force. The Conciliation Act of 1900 followed in a general way certain usages long in operation, first as custom, and later as law, in the coal-mining districts of England. That Act created a Department of Labour and provided machinery for mediation or arbitration, but its use was left to voluntary action of the parties to a dispute. The Railway Disputes Act of 1903, gave to the Minister of Labour a limited power of compulsion with respect to the establishment of conciliation boards in labor disputes between railroad companies and their employees. Where such a dispute arose, a Board of Conciliation could be appointed by the Minister of Labour on the request of either of the parties, without consent of the other. In 1906 these two Acts were consolidated, forming the Conciliation and Labour Act of 1906, in which form they are still operative.

In 1906 a bitter and prolonged strike closed the coal mines of Lethbridge, Alberta. The Deputy Minister of Labour, Hon. W. L. Mackenzie King, succeeded in bringing about a settlement, but not until much public hardship had developed. The failure of the existing Conciliation Act to prevent this strike revealed the need of further legislation, and the Industrial Disputes Investigation Act of 1907 was a direct result of the sentiment thus aroused.

This Act was amended in 1910, and again in 1918, but since the latter date no alteration or addition has been made, although some changes are contemplated at the approaching session of Parliament.

It should also be noted that one item of the agenda of the National Industrial Conference which met at Ottawa September 15–20, 1919, on invitation of the Government

of Canada was, "Consideration of the question of the desirability of unifying and co-ordinating the existing labour laws of the Dominion Parliament and of the provincial legislatures, and the consideration of any new labour laws which are deemed necessary." On this subject the Conference unanimously adopted a resolution recommending the appointment of a board to study and report on uniformity in the laws of the Dominion and the provinces.

While the Canadian Industrial Disputes Investigation Act of 1907 applies specifically only to transportation companies, other public utilities and mines, it may also be invoked for settlement of disputes in other industries on application of both parties to a dispute, that is, by mutual agreement. During the war, industries supplying war materials were brought under the action of the provisions previously applying only to transportation companies, other public utilities and mines. The principal provisions of the Act are as follows:

On application in due form by either party to a dispute in an industry covered by the provisions of the Act, the Minister of Labour is required to appoint a Board of Reference consisting of one nominee of each party and a chairman selected by the two. The Minister of Labour has exercised a certain freedom of judgment as to whether or not the application falls under and meets the requirements of the law, and his right to do so is expressly affirmed in the Amendment of 1918. No person having a direct pecuniary interest in the dispute may be appointed. To prevent a deadlock, in case all other provisions of the Act governing applications for a Board have been complied with, but where either or both of the parties fail to agree on nominations, the Minister of Labour may both select and appoint a Board.

An application for a Board must be made in writing by a party to the dispute, and must be accompanied by a statement setting forth the parties to the dispute, its nature and cause, an estimate of the number of persons affected, an account of the efforts that have been made by the parties to adjust it, and by a statutory declaration that

> "failing an adjustment of the dispute or reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarant, a lockout

or strike will be declared, and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by said employer) that the necessary authority to declare such lockout or strike has been obtained; or where a dispute directly affects employees in more than one province and such employees are members of a Trade Union having a general committee authorized to carry on negotiations in disputes between employers and employees and so recognized by the employer, a statutory declaration by the chairman or president and by the secretary of such committee setting forth that, failing an adjustment of the dispute or the reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarants, a strike will be declared, that the dispute has been the subject of negotiations between the committee and the employer, that all efforts to obtain a satisfactory settlement have failed, and that there is no reasonable hope of securing a settlement by further negotiations."

The Act expressly provides that applications for Boards of Reference may be made by Trade Unions, and specifies the manner in which such applications shall be legally presented.

The Act requires that

"Employers and employees shall give at least thirty days notice of an intended change affecting conditions of employment with respect to wages or hours, and in every case where a dispute has been referred to a Board, until the dispute has been finally dealt with by the Board, neither of the parties nor the employees affected shall alter the conditions of employment with respect to wages and hours."

In this connection it is also provided that

"If in the opinion of the Board either party used this or any other provision of this Act for the purpose of unjustly maintaining given conditions of affairs through delay . . . such party shall be . . . liable to the same penalties as are imposed for a violation of the preceding section."

By the Amendment of 1918 it was provided that

"Where in any industry a strike or lockout has occurred, and in the public interest or for any other reason it seems to the Minister expedient, the Minis-

ter, on the application of any municipality interested, or of the mayor, reeve, or other head officer, or acting head officer thereof, or of his own motion may, without application of either of the parties to the dispute, strike or lockout, whether it involves one or more employers or employees in the employ of one or more employers, constitute a Board of Conciliation and Investigation under this Act in respect of any dispute, or strike or lockout, or may in any such case, if it seems to him expedient, either with or without an application from any interested party, recommend to the Governor in Council the appointment of some person or persons as commissioner or commissioners under the provisions of the Inquiries Act to inquire into the dispute, strike or lockout, or into any matters or circumstances connected therewith.

"The Minister, where he deems it expedient, may, either upon or without any application in that behalf, make or cause to be made any inquiries he thinks fit regarding industrial matters, and may cause such steps to be taken by his department and the officers thereof as seem calculated to secure industrial peace and to promote conditions favourable to settlement of disputes."

The Board of Reference fully investigates the dispute, and no strike or lockout may legally occur before or during such investigation. Boards are given power to summon witnesses, administer oaths, and to compel witnesses to testify and produce books and other evidence in the same manner as courts of record in civil cases.

If settlement of a dispute is reached by the parties during the course of its reference to a Board, a brief memorandum drawn up by the Board and signed by the parties is filed with the Minister of Labour. If settlement is not arrived at during the reference, the Board is required to make a full written report to the Minister of Labour, setting forth the details of its investigation and its recommendation for settlement of the dispute. The report is filed in the office of the Registrar and copies are sent free of charge to the parties and to any newspapers in Canada which apply for them. The Minister may also distribute copies in such manner as he considers desirable, as a means of securing compliance with the Board's recommendation. In addition to this, for the information of Parliament and the public, a copy of the report must be

published without delay in the *Labour Gazette*,* and be included in the annual report of the Department of Labour to the Governor General.

If a question shall arise concerning the interpretation of a recommendation or agreement drawn up by the Board, the Minister of Labour may cause the Chairman of the Board to reconvene the Board and make a report on the question.

It cannot be too strongly emphasized that the Act of 1907 is not a compulsory arbitration law. While the Act undertook to carry the element of compulsion a step farther than the Conciliation and Labour Act of 1906, it did not alter the principle of voluntary adjustment on which that law was founded.

A Canadian official, who was engaged in the settlement of the Alberta strikes out of which the demand for the law arose, and who was one of its authors, said:

> "In the dispute in Alberta referred to in the report (i.e., the one leading to the adoption of the Act), we spent nearly a week trying to get the parties together. We spent nearly another week finding out from each what they were prepared to do. Meanwhile, settlers and others were freezing in their homes. We had no powers other than that of a voluntary conciliator to fall back upon. Had we had legislation providing powers of *compulsory investigation*, we could have effected in two days what took nearly two weeks. It was this experience, and similar experiences in other strikes which made us seek to get from Parliament powers of *compulsory investigation*, which meant to labour, power at the expense of the State, and with the machinery of the State back of it, to choose its own investigator, to summon witnesses, to compel the production of documents, to take evidence under oath, and to give to the public the fullest possible kind of a view of its case, including any injustices under which it might be suffering. This is *the really important compulsory investigation feature* of the Act, not the penalties which we laid to strikes and lockouts."

In pursuit of this aim, and to avoid difficulties involved in compulsory arbitration, the machinery was changed to consist of Boards of Conciliation and Investigation and, although it was the duty of these Boards to do all in their

*An amendment to the Act declares that this requirement is met if the *Labour Gazette* publishes a summary of the report.

power to effect conciliations, and to offer recommendations of settlement, compulsion was restricted to their investigatory function. Compliance with the recommendations of the Reference Boards is optional; the weight of public opinion alone is relied on to make settlements effective.

The only provision giving mandatory power to the finding of a Board is that if, at any time before or after a Board has made its report and recommendation, both parties to the dispute agree in writing to be bound by the recommendation of the Board in the same manner as parties are bound in the case of a reference to arbitration on the order of a court of record, the recommendation shall be made a rule of the court on application of either party, and shall be enforceable in like manner. Canadian courts, however, have hesitated to regard a recommendation in case of such an agreement as constituting a rule of court.

Public Opinion the Backbone of the Act

The commonly accepted statement that the Canadian Industrial Disputes Investigation Act of 1907 was based on Australian labor legislation is historically incorrect, and tends to give a mistaken conception of its nature. Indeed, this erroneous view has not been without influence in the development of a hostile attitude toward the Canadian Act, which, unlike the Australian legislation, avoids compulsion, as far as possible, and instead is frankly based on an appeal to the power of public opinion.

Hon. F. A. Acland, Deputy Minister of Labour for the Dominion of Canada, says:

> "The theory of the Act is that the Board's findings, being based on what is presumed to have been a fair and impartial investigation, will bring an informed public opinion to bear on the matters which have been in dispute, and that either of the disputants who is unreasonable in his attitude will thus be induced to yield a point and accept the recommendations of the Board, rather than fly in the face of a public opinion which might be expected to sustain the view of the Board; acceptance of the findings, however, no matter how urgent the apparent advantage or necessity, is not legally compulsory."

The text of the Act is brief, and makes no effort to exhaust either the scope of its provisions or the details of

their application. In the first important litigation to which it gave rise, and which occurred while the general sentiment in accord with which it was formulated was still active, the decision of the Court contains these words:

> "The legislation is tentative, broad and beneficial, and it cannot be expected to cover at once all the little difficulties which may be imagined to arise."

Much, therefore, was left to be determined by departmental decisions.

Administrative Interpretations

The Minister of Labour, who is responsible for the administration of the Act, thus far has taken the stand that the penalty provided for strikes or lockouts prior to investigations will be imposed only where prosecution is initiated by one or the other of the disputants. As a matter of fact, although there have been many "illegal" strikes since the Act became effective, the penalty seldom has been imposed. This fact has led to the rather hasty assumption in the United States that the compulsory feature of the Act is a failure. Thus the author of one of the most widely circulated studies of the subject declares:

> "The Canadian Act is a compulsory one mainly because penalties are provided for the calling of such illegal strikes, and the essential test of any compulsory law is the extent to which it is enforced. Yet it is in this very important aspect that the Act has failed as a compulsory measure."

While this is to some extent true, it fails correctly to reflect the spirit and intention of the Canadian Act, which should be interpreted in the light of its original purpose.

Hon. W. L. Mackenzie King has said:

> "The Government has never laid particular stress on the penalty end of it. The penalty part . . . has always been treated much in the same light as penalty for trespass."

Examination of the reasons for such opposition to the Act as exists in Canada reveals that only in theoretical discussions do they rest on the failure to impose penalties. On the other hand, one at least of the instances in which a penalty was imposed is prominent among the sources of

discontent. This was a case in which an agent of the United Mine Workers was fined for paying strike relief to union members who had violated the law.

One employer has been fined for an illegal lockout, and a few union officials have been fined for inciting strikes, but no effort has been made to penalize a large body of men for striking. The conclusion seems justified, therefore, that criticisms of the Act in the United States on the basis of its failure to impose penalties, arise from a misunderstanding of its spirit and intention.

A procedure which appears to be responsible for much of the opposition to the Act on the part of organized labor in Canada is the use made of the discretion which it allows to the Minister of Labour to grant or refuse Boards of Investigation. Boards have been refused in a number of cases where the workers felt that they had a real grievance. The Amendment of 1918, however, expressly conferring this authority on the Minister of Labour is in the nature of a confirmation of his actual practice. In strikes involving several employers or several unions where these employers or unions could not agree on a single representative, the Minister of Labour has declined to appoint a Board. A strike involving many companies is regarded by the Minister of Labour as a separate dispute for each company and, where the various interests agree on a single nomination, although one Board is appointed to investigate the whole trouble, it is legally considered that there are as many separate Boards as there are independent employers.*

An instructive instance is that of the Thetford mines dispute in 1915. The facts in this case were discussed at the Trades and Labour Congress of Canada, which met at Toronto in September, 1916, and was a factor in the subsequent action of that Congress in calling for abrogation of the Act. The chairman of the Congress described the situation as follows:

> "There are five companies controlling the asbestos mines of Thetford. After the miners made an application for a Board under the Industrial Disputes Investigation Act, they were informed through a letter from the Department that the industry in which they were employed came under

*An amendment to meet this difficulty is being prepared for presentation to Parliament.

the Industrial Disputes Investigation Act, and that it would be a criminal act on their part to go out on strike. The letter stated that there was not the slightest doubt as to the Act applying to the Thetford mines, and the inference was that the provisions of the Act dealing with penalties for violations would be rigidly enforced if a strike was declared. While that attitude was assumed by the Minister of Labour, the men were prevented from taking any further action in their own interests, other than complying with the Law. Suddenly, however, the Department switches and points out that there are five companies controlling the mines at Thetford in which the applicants for a Board were employed, and that, because the owners of the mines could not agree upon a representative for the Board under the Industrial Disputes Investigation Act, a Board could not be appointed."

The Minister of Labour, who was present at the Congress, in reply said:

"There were five companies to deal with when the request to appoint a Board was made. I hold that the Act does not lend itself to the conditions where there are several employers not agreeing. We had a case in Cobalt where there were forty-two companies and I refused to grant a Board when application was made by the miners' union. I would refuse today."

A delegate then inquired if the men had the "legal right to strike after a Board had been refused because the five companies at Thetford mines could not agree upon a representative." The Minister answered that the men could not legally strike, but were compelled to resort to the provisions of the Act and apply for the appointment of a Board to deal with each company. Another delegate asked the Minister if a Board would have been granted each group of employees in each mine if they had applied separately. The Minister replied that he would not answer the question, because such a situation had not arisen. This, then, appears to be a fixed ruling of the Department of Labour, and one which the workers believe operates to their disadvantage.

During this same discussion of the Thetford mines dispute, the Minister of Labour said:

"At Thetford mines there were two unions, the local union being there before the local of the

> Western Federation of Miners. . . . I have refused to appoint Boards before when there were two unions quarrelling among themselves as to what should be done."

Although contrary to previous practice, in at least two notable instances it appears to be the latest ruling of the Department of Labour that Boards will not be appointed where two unions exist unless they are in agreement with each other. Both of these rulings are purely administrative and do not arise directly from the provisions of the Act.

Operation of Act — Difficulties and Objections

The operation of the Act has shown that the opinion of the chairman usually controls the finding of the Board. This arises naturally from the fact that employers and employees each select a representative favorable to their respective cause, and it has gradually come to pass that, in almost all cases, these two members of the Board disagree and the decision rests with the chairman. On this account it has even been suggested that, in the case of important disputes involving large public issues, the position of the chairman be strengthened by appointment by the Minister of Labour of three outside representatives. It is believed that decisions of a Board so constituted would inspire greater public confidence.

In some instances where the report is distinctly favorable to one side, the representative of the other makes use of his legal right to put in a minority report. Mr. Carl H. Mote, in a recent volume, says that even

> "public opinion is futile to avert a strike, particularly in those cases where there is a divided report of an investigating committee."

The operation of the Act has further developed the fact that Boards are most successful when least formal, and particularly when least legalistic in their attitude and procedure. Boards of which prominent jurists have been chairmen have notably failed. The difficulty of securing acceptable chairmen is very great. Dr. Victor S. Clark, in his investigation for the U. S. Bureau of Labor of the working of the Canadian Act, says:

> "The tendency is to select the same Board members repeatedly so that several Boards have been

> identical in different disputes, and one chairman — a professor of economics — has served acceptably on eleven of the twenty-eight Boards that have been established. . . . A judge who organizes a Board after the fashion of a court, sets it up on a dais, takes testimony according to legal rules of evidence, enforces legal technicalities, and checks up his witnesses by stenographic proceedings, so far as Canadian experience goes, leaves the parties at the end of their negotiations farther apart than at the beginning, and crystallizes tentative issues into insolvable difficulties."

Dr. Clark, in the same report, quotes an experienced Board chairman as follows:

> "The most important work is often done outside of regular sessions of the Board. We talk to the different parties individually and get to a mutual understanding that way. We never allow the disputants to leave important matters to the Board. We insist that they themselves shall agree on main points."

The informality of procedure is furthered by the Amendment of 1918, which provides that the Minister of Labour, at any stage of the proceedings, may introduce matters other than those appearing in the application and statement, if, in his opinion, it is necessary in order that the Board may deal satisfactorily with the dispute.

Yet another source of difficulty that has arisen in the operation of the Act, and not directly from its provisions, but apparently contrary to them, is the delay which may occur in the appointment of a Board. The Act says that the Minister of Labour

> "shall, within fifteen days from the date on which the application is received, establish such Board under his hand and seal of office, if satisfied that the provisions of this Act apply."

For the nine-year period ended March 31, 1916, 191 applications for Boards were made, and 169 were established. Of this number only 60 were established within the 15 days. In 14 cases, between 46 and 61 days elapsed between the application and the establishment of the Board; in 21 cases, between 31 and 46 days; in 66 cases, between 16 and 31 days.

Commenting on this phase of the administration of the Act, an officer of an international railway union, referring to a specific strike, is reported to have said:

> "Our case was begun by notice of a revision of contracts October 1st. The Board met December 3d and the decision was given December 20th, allowing the company over two and one-half months to prepare for a strike."

Dr. Clark, from whose report this quotation is taken, adds:

> "From the men's point of view this particular delay was peculiarly unfortunate, as a financial crisis bringing on a period of unemployment occurred in the interim."

The Act also states that employers or employees shall give at least thirty days notice of an intended change affecting conditions of employment with respect to wages or hours, and provides a penalty for disregard of this provision. Emphasizing yet further the intention of the Act to avoid delay, the clause allowing this period of thirty days adds:

> "But if in the opinion of the Board either party uses this or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay, and the Board so reports to the Minister, such party shall be guilty of an offense and liable to the same penalties," etc.

In spite of this provision no complaint among workmen is more common than that wages and hours are changed without notice, and are followed by delays in appointment of Boards.

Recent experience under the law undoubtedly is reflected in the amendments that are now being proposed.*

One of these amendments seeks to prevent the possibility of a minority of members in a Trade Union, or a minority of workmen affected where they are not organized, from making an application for a Board.

Another proposed amendment would make it impossible for an unlawful organization to claim protection under the Act by contending that it is a Trade Union within the meaning of the Act.

*April 30, 1920.

Yet another amendment is proposed that would extend the time during which a strike is illegal until a copy of a Board's report has been delivered to both parties through the Registrar. This would prevent workmen from claiming that their obligations under the Act had been fulfilled before the employers had an opportunity to know the contents of a Board's report or to decide whether or not they could accept its recommendations.

An amendment that has not yet taken definite form would make it possible for the Minister of Labour, at his option, to establish one Board to deal with a dispute that affects employers and employees in several plants of a given industry. If the employers affected agree to the establishment of a Board it can be done under the present Act, but if the employers disagree and will not nominate a representative on the Board, then the Department has no alternative but to establish one Board for each company affected, a procedure which has been found expensive and undesirable.

It is clear that these proposed amendments seek to correct minor defects in the law and to strengthen its central principle of preventing disputes until an investigation shall have been made and the public informed of the merits of the case. None of them seek to overthrow the law or alter its substance.

Statistical Data

The number of applications for Boards each year since the adoption of the Act shows a gradual decline until the latter years of the war, during which conditions were not normal and the data concerning which calls for special analysis and separate treatment.*

	1907 9mos.	1908	1909	1910	1911	1912	1913	1914	1915	1916 3mos.	Total
Applications . .	25	27	22	28	21	16	18	18	15	1	191
Boards refused . .	3	2	1	5	5	0	3	0	3	0	22
Boards granted . .	22	25	21	23	16	16	15	18	12	1	169
Strike not averted	1	1	4	4	4	3	1	1	1	0	20

*In 1919 there were 95 Boards in operation, of which 17 were operating at one time. Whether this reflects an abnormal condition due to the war, or is the beginning of a more general use of the provisions of the Act, can be determined only in the light of further experience.

These figures show that in the first year of the operation of the Act only three applications for Boards were refused, in the second year two, in the third year one, in the fourth year five, in the fifth year five. The table also shows that in the fourth and fifth years there were four failures each year to avert or end a strike after a Board had been appointed. That is to say, in 1910 and 1911 there were nine failures each year to effect settlements in disputes for which applications for Boards had been made, and for the period 1909–1912 eleven applications were refused and fifteen of the Boards granted failed to settle the disputes. The sharp decline in number of applications began in 1912, immediately after this large number of failures. It should be noted in this connection that the period 1909–1912 was one in which the international labor organizations were pressing for control of organized labor in Canada. It was also a period of great industrial activity. The subsequent slowing down of work, coupled with the shifting of labor to munitions industries after the outbreak of the war, with the introduction of patriotic influences, may explain in considerable part the falling off in applications.

It is also apparent from the above figures that in 88% of the disputes referred to Boards, strikes or lockouts were averted or ended. If the number of applications refused is added to the number of cases in which strikes or lockouts were not prevented, as also indicating failure on the part of the Act to meet the situation, the proportion of successful conciliations is reduced to 78%. These figures, taken from reports of the Labour Department of the Dominion of Canada, make no reference to the strikes and lockouts occurring during this period in which no application was made under the Act for a Board of Investigation. The United States Bureau of Labor Statistics, in a report published September, 1917, covering almost the entire period of ten years of the operation of the Act, from March 22, 1907, to December 31, 1916, states that 222 disputes resulting in strikes and lockouts occurred within the jurisdiction of the Act. The number of employees affected in these disputes was 100,608 and the time lost 4,838,647 working days. In 44 of these, involving 44,086 employees and a time loss of 3,665,969 working days, application was made for Investigating Boards under the Act. In 18 of the disputes the strike or lockout did not occur until after a Board made its investigation and report, while 204 strikes

occurred either before or pending Board action, and were thus illegal under the Act; of this latter number, 178 strikes or lockouts involving 56,522 employees and a time loss of 1,172,678 days were instituted without either party to the dispute making application for a Board.

The number of applications for Boards under the section of the Act which allows voluntary application for Boards in other than public service industries and mines, may be regarded as a measure of public confidence in the Act. According to the same report, 691 strikes and lockouts, affecting 149,812 employees with a time loss of 3,254,332 working days, occurred in the period March 22, 1907, to December 31, 1916, in industries falling under this section of the Act. Of this number, in only 26, or about 4%, were applications made for a Board, and in only 12 of these, affecting 5,534 employees, were Boards constituted. That is to say, where the Act was left to be voluntarily invoked, only about 1¾% of the disputes occurring were referred to Boards.

Reviewing the operation of the Act as thus outlined, it would appear that where Boards have been actually constituted they have been reasonably successful in ending or averting strikes or lockouts. Sir George Askwith, who was sent by the British Government in 1912 to investigate the workings of the Act, reached the following conclusions:

> "Where it was frankly adopted as a means of preventing disputes, it has worked extremely well, but where for reasons, some apparent and others which can only be guessed at, its introduction has been resented, it has not succeeded to the same extent. In such cases where, by the imposition of penalties, efforts have been made to enforce the Act, the results have not been satisfactory."

Since the foregoing figures were compiled, the statistics of strikes for 1917 have been published by the Department of Labour for the Dominion of Canada. These appear at first glance greatly to strengthen the position of those who assert that the Act has failed to promote industrial peace. A closer analysis of these 1917 strikes, however, confirms a more liberal estimate of the usefulness of the Act.

The number of strikes originating in 1917 was 141, and 7 were carried over from 1916, making a total of 148.

The following table shows the number of strikes, the number of workers involved, and the time lost for a series of years.

Strikes in existence during the year	Employees involved	Time loss in working days
1914 44	8,678	430,054
1915 43	9,140	106,149
1916 75	21,157	208,277
1917 148	48,329	1,134,970

Of the 148 strikes in 1917

89, or 60%, were settled by direct negotiations between the parties;

13, or about 9%, were settled by conciliation or mediation agencies other than those provided by the Act;

11, or about 7%, were settled by arbitration without appealing to the provisions of the Act;

4, or 2.7%, were settled by Boards.

Two of the most serious strikes of the year occurred in the mining industry, and were thus direct violations of the Act. On January 16, 5,870 coal miners and coke oven workers in Alberta and British Columbia struck, with a time loss of 42,000 days. On April 1st, in the same district, 7,475 mine workers struck, and the strike did not terminate until July 3, when the Dominion Government appointed a Director of Coal Operations to take control of the mines. The time loss involved in this strike was 512,075 days.

This appears to be a disquieting record. Nevertheless, it should be noted that the greater part of the time loss occurred in the mining industry, and that the United Mine Workers have been among the leading opponents of the Act almost since its enactment. The remainder of the 148 strikes were very small, about 43% involving not more than 100 workers, and lasting less than 5 days. It thus appears that, under the strain of war, and in a period of intense industrial activity, strikes in important industries or involving large numbers of workers occurred only in the coal mines, under a leadership hostile to the Act. It should also be pointed out that four disputes submitted to Boards in the month of January, 1918, included a very

important railroad controversy, in which instance a disastrous strike was averted. In view of these facts the conclusion seems warranted that the Act is a force working toward industrial peace.

Attitude of Labor Toward the Act

For the first two years of the operation of the Act but little opposition appeared; but from that time to the present, hostility among organized labor unions has steadily increased. This opposition is most outspoken on the part of the international labor organizations. The United Mine Workers of America, at their Indianapolis convention, January, 1909, endorsed the following resolution:

> "That we, the delegates from Canada, having had almost two years' experience with said bill, herewith advise our brothers on this side of the line to oppose any such measure of like nature to the utmost of their powers."

The Legislative Board of the Brotherhood of Locomotive Engineers in November, 1916, passed a resolution:

> "That this Board do all in its power to have the Industrial Disputes Investigation Act wiped off the statute books."

The President of the Order of Railway Conductors of America, writing on the subject of this Act in the Proceedings of the American Society of Political Science, in January, 1917, said:

> "It only succeeded in breeding an almost universal disgust of, and contempt for, legal machinery designed to settle troubles that should be settled by the parties thereto. . . . The Railway Brotherhoods are almost the only large class of employees who in the Dominion have scrupulously conformed to the Provisions of this Act, and they have done this at an immense disadvantage to themselves. . . . It has been demonstrated time and again (and out of this demonstration has grown the attitude of the laborers toward this Act) that the period provided for investigation during which men must remain at work is almost invariably utilized by the employer, regardless of the spirit or letter of the Act, to reinforce himself against efforts of his men to better their condition and at the end of the period he coolly repudiates the finding of the Commission."

On the other hand, the Provincial Workers' Association, an organization of miners in Nova Scotia not associated with the international organization, has "co-operated cordially with the Government and with employers to make it [the Act] a success; and the general officers of the Union commend its influence." But no recent utterance from them on this subject is available.

At the convention of the Trades and Labour Congress of Canada held at Ottawa September 17, 1917, feeling ran so high as to give rise to a spirited protest against the appearance of the Minister of Labour on the platform of the convention on the opening day. The report of the Fraternal Delegates appointed by this convention to the American Federation of Labor Convention at Buffalo, in speaking of the Act, said:

> "A demand was made for the repeal of the Lemieux Industrial Disputes Law, because it was a source of advantage to the employers and hampered the employees. This Act seeks to prevent strikes and lockouts in certain occupations by prohibiting a man's right to stop work, and making it a crime for a union to provide its members with food while out on strike. This, coupled with the absence of an eight-hour law for Government contract work, made the work of the executive officers unusually difficult and created bitter feeling among the involved workers."

The rank and file of Canadian labor express little opposition to the principles of the Act, although some modifications are desired; the official attitude of the international labor organizations in Canada, however, is increasingly hostile.

The State of Colorado has a law which is not dissimilar in principle to the Canadian Act.

The American Federation of Labor, in its report of the proceedings of the Buffalo Convention, in November, 1917, states that:

> "Every possible assistance was rendered to the organized workers of Colorado in their effort to secure the repeal of the Industrial Commission Act, which provides for compulsory investigation before the inauguration of a strike or lockout in that State."

This statement may be taken as fairly indicative of the attitude of the American Federation of Labor toward the Canadian Act as it has been administered.

It should not be forgotten that incidents arising in the course of investigations, while actually of minor importance, cause great bitterness in the ranks of workers, however trivial and however casually related to the actual operation of the Act.

Thus, in the opinion of the Fraternal Delegate to the Buffalo Convention of the American Federation of Labor, reference is made to a court decision in Nova Scotia in 1912 in which a single union official was convicted of awarding strike benefits to men striking illegally and when four miners, employed by a small coal company, were fined forty dollars each. This was done by action of a Provincial Court, but the incident appears never to have been forgotten or forgiven by organized labor. The same may be said of the refusal of the Department to grant Boards in the Thetford mines dispute.

Another incident, constantly quoted by laboring men, is that of a decision by a Board in a coal-mining strike in Nova Scotia which the workers claimed was interpreted in a manner not in accordance with their understanding of it when they accepted the decision. So influential are these minor incidents that it would not be far from the truth to say that upon scarcely more than five or six such insignificant events the bitterness of feeling, if not the substantial reason for the opposition to the Act on the part of labor in Canada, rests.

It is difficult to escape the conclusion that, whether or not the penalties of the Act are enforceable against workers, the very existence of the Act and the manner of its administration is felt by them to hamper the operations of the unions, and particularly to limit use of the strike to enforce demands.

This conclusion is strengthened by the fact that, of the recommendations of Boards since the enactment of the Act, 90% favored the employees and granted a major part of their demands. Also, more than 90% of the Boards have been instituted on application of employees. It is not, therefore, dissatisfaction in general with the recommendations of the Boards that can account for organized labor's opposition. This must arise from the

general operation of the Act and the effect of its continued existence on the statute books, which deprives striking employees who have not applied for a Board of Investigation, of the moral support of the community. But perhaps the fundamental reason for this opposition, not to speak of possible antipathy to certain officials, is the fact that the settlement of disputes apart from the manipulation of the union leaders, tends to weaken their hold on the rank and file, and their relative importance in gaining concessions for their followers.

It is a noteworthy fact that the representatives of employees on the Committee of the Canadian National Industrial Conference which considered the recommendations of the Royal Commission on Industrial Relations, passed a resolution recommending, "that employees of all Government bodies should be entitled to the right of appeal under the Industrial Disputes Act so long as that Act remains upon the statute books of Canada."

Attitude of Employers Toward the Act

It is more difficult to secure frank and definite expressions of opinion from employers in Canada. This reticence may be partly caused by a belief that if they express strong approval of it such an attitude may increase the feeling of organized labor that the Act operates in the interest of the employing class.

A report by G. M. Murray, Secretary of the Canadian Manufacturers' Association, made in 1909, after two years operation of the Act, is not at all enthusiastic as to the benefits derived from it. At that time 49 disputes had been referred to Boards under provisions of the Act. In regard to these cases, Mr. Murray says:

> "The Labour Department is careful to point out that accompanying each application was a sworn statement to the effect that a strike or lockout (they might have omitted all mention of lockouts, for there were none threatened) would take place in the event of a settlement not being reached. But the Act requires such a statement before a Board can be granted and it may well be argued that employees who have nothing to lose and possibly something to gain from an investigation, will foment trouble and secure from their union a snap verdict to

> strike, simply in order that their application for a Board may be made in proper form, whereas without the machinery afforded by the Act, the thought of striking would never enter their minds."

This report also complains that the Act

> "is readily enforceable as against the employer, for if he locks out illegally, he can be promptly prosecuted and fined, but it is unenforceable as against the employees, for not only is it impracticable to institute proceedings against each of several hundred, or perhaps several thousand employees, but it would be the height of folly for an employer to put the law into operation against even a single offender. What he wants is to get his men back at work, not to put them in jail, and the surest way to defeat his own purpose would be to prosecute or persecute the fomenters of the trouble."

Not a few employers believe that compulsory incorporation of all labor organizations would greatly strengthen the Act at this point. Some employers would even have the compulsion which now applies only to the investigation made applicable also to the award. Such a change would, however, amount to a new law operating on a different principle. In general, employers are apt to feel that the Act binds them but does not bind the worker.

Although Mr. Murray's statement was made only two years after the Act went into effect, it undoubtedly reflects the general opinion of the same group of employing interests today.

Summary and Conclusions

In conclusion, the following points appear to be substantiated by the evidence that is available:

(1) The commonly expressed opinion, that the failure to impose penalties for illegal strikes is the principal weakness of the Act and the cause of its comparatively infrequent application, is not borne out. The position taken by the Department of Labour in regard to initiating prosecutions for infractions of the Act, in which they leave this to be done by prosecution of the aggrieved party, appears to be the only practicable attitude, and has probably saved the Act from early repeal. The

penalty always exists as a possibility, and the entire attitude of organized labor indicates that it feels the restraint which the Act exercises. This restraint, however, arises quite as much from the mere fact of declaring the strike illegal under the Act as from the penalty provision. The Act might be quite as strong if the penalty provision were repealed. The few cases in which penalties have been imposed are responsible for much opposition to the Act.

(2) The operation of the Act has signally failed to inspire complete confidence of workers. It has led them to believe that the Act was not immune from legalistic manipulation, and that under it their rights or claims may be thwarted, not on reasonable grounds, but by legal technicalities. As evidence of this they cite the administrative delay which, although contrary to the spirit of the Act, has occurred perhaps in the majority of the disputes that have been referred under it; also the refusal of the Department to appoint Boards in a number of instances where the men felt that they had real grievances, particularly where two or more employers, or two or more unions involved in an individual dispute, cannot agree on a single representative. As the operation of the Act has largely covered a period during which the international labor organizations have been struggling for a foothold in Canada, sometimes in sharp opposition to the established local trades unions, this ruling has caused much discontent, the workers feeling that it interferes with what they believe to be their right to organize.

(3) The requirement of the Act that a Board may not be applied for unless one or the other of the disputants makes a statutory declaration that a strike or lockout will otherwise occur, has not operated advantageously, and is no doubt chargeable with some of the illegal strikes that have occurred. A group of organized employees cannot declare that a strike will occur as the result of any dispute without an official vote of their organization. Such a vote is not obtained without considerable effort, and having been obtained the men are but little inclined to forget the authority which it gives them to declare a strike. It is difficult to see what particular strength this provision adds to the Act, but it is quite easy to see the difficulty which it occasions. The employer in order to make application for a Board must make a statutory

declaration that, to the best of his knowledge and belief, his firm will otherwise declare a lockout, and few employers are ordinarily willing to make such a declaration, for by so doing they immediately forego the good will and backing of the public.

(4) Owing to the fact that incidental administrative rulings tend to become fixed as precedents, and further that, especially among workers, incidental causes of irritation are held in memory for many years, opposition to the Act is cumulative and tends to become stronger, despite the fact that its operation may have been generally beneficial to the workers themselves.

(5) The existence of the Act on the statute books has acted as a wholesome restraint both on employers and employees through a period of great industrial unrest; it has served in some degree to crystallize public opinion and in particular cases to make it effective for maintenance of industrial peace.

(6) Investigations have been most successful when most informally conducted; introduction of legal machinery is almost certain to destroy their usefulness.

(7) Where investigations have been fairly conducted, with no unfortunate administrative irritations, and with tactful, informal procedure, resultant recommendations have been almost universally backed by public opinion and accepted by the disputants.

(8) The Act after thirteen years of operation has sufficient support in Canadian public opinion to retain a place on the statute books, and to invite legislative consideration for its improvement, without vital alteration.

Appendix

Abridged Text of The Canadian Industrial Disputes Investigation Act, 1907

An Act to aid in the Prevention and Settlement of Strikes and Lockouts in Mines and Industries connected with Public Utilities. (6–7 Edward VII, chap. 20. Assented to 22d March, 1907.)

1. This Act may be cited as *The Industrial Disputes Investigation Act*, 1907.

2. (*e*) "dispute" or "industrial dispute" means any dispute or difference between an employer and one or more of his employees, as to matters or things affecting or relating to work done or to be done by him or them, or as to the privileges, rights, and duties of employers or employees (not involving any such violation thereof as constitutes an indictable offence); and, without limiting the general nature of the above definition, includes all matters relating to —

(1) the wages allowance or other remuneration of employees, or the price paid or to be paid in respect of employment;

(2) the hours of employment, sex, age, qualification or status of employees, and the mode, terms and conditions of employment;

(3) the employment of children or any person or persons or class of persons, or the dismissal of or refusal to employ any particular person or persons or class of persons;

(4) claims on the part of an employer or any employee as to whether and, if so, under what circumstances, preference of employment should or should not be given to one class over another of persons being or not being members of labour or other organizations, British subjects or aliens;

(5) materials supplied and alleged to be bad, unfit or unsuitable, or damage alleged to have been done to work;

(6) any established custom or usage, either generally or in the particular district affected;

(7) the interpretation of an agreement or a clause thereof;

(*f*) "lockout" (without limiting the nature of its meaning) means a closing of a place of employment, or a suspension of work, or a refusal by an employer to continue to employ any number of his employees in consequence of a dispute, done with a view to compelling his employees, or to aid another employer in compelling his employees, to accept terms of employment;

(*g*) "strike" or "to go on strike" (without limiting the nature of its meaning) means the cessation of work by a body of employees acting in combination, or a concerted refusal or a refusal under a common understanding of any number of employees to continue to work for an employer, in consequence of a dispute, done as a means of compelling their employer, or to aid other employees in compelling their employer, to accept terms of employment;

(*h*) "trade union" or "union" means any organization of employees formed for the purpose of regulating relations between employers and employees.

3. The Minister of Labour shall have the general administration of this Act.

5. Wherever any dispute exists between an employer and any of his employees, and the parties thereto are unable to adjust it, either of the parties to the dispute may make application to the Minister for the appointment of a Board of Conciliation and Investigation, to which Board the dispute may be referred under the provisions of this Act: Provided, however, that, in the case of a dispute between a railway company and its employees, such dispute may be referred, for the purpose of conciliation and investigation, under the provisions concerning railway disputes in the Conciliation and Labour Act.

6. Whenever, under this Act, an application is made in due form for the appointment of a Board of Conciliation and Investigation, and such application does not relate to a dispute which is the subject of a reference under the provisions concerning railway disputes in the Conciliation and Labour Act, the Minister, whose decision for such purpose shall be final, shall, within fifteen days from the date at which the application is received, establish such Board under his hand and seal of office, if satisfied that the provisions of this Act apply. The decision of the Minister as to granting or refusing a Board is final, and not subject to review by any court.

7. Every Board shall consist of three members who shall be appointed by the Minister.

2. Of the three members of the Board one shall be appointed on the recommendation of the employer and one on the recommendation of the employees (the parties to the dispute), and the third on the recommendation of the members so chosen.

8. For the purposes of appointment of the members of the Board, the following provisions shall apply:—

1. Each party to the dispute may, at the time of making application or within five days after being requested so to do by the Minister, recommend the name of one person who is willing and ready to act as a member of the Board, and the Minister shall appoint such person a member of the Board.

2. If either of the parties fails or neglects to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a member of the Board; and such member shall be deemed to be appointed on the recommendation of the said party.

3. The members chosen on the recommendation of the parties may, within five days after their appointment, recommend the name of one person who is willing and ready to act as a third member of the Board, and the Minister shall appoint such person a member of the Board.

4. If the members chosen on the recommendation of the parties fail or neglect to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a third member of the Board, and such member shall be deemed to be appointed on the recommendation of the two other members of the Board.

5. The third member shall be the Chairman of the Board.

11. No person shall act as a member of a Board who has any direct pecuniary interest in the issue of a dispute referred to such Board.

15. For the purpose of determining the manner in which, and the persons by whom, an application for the appointment of a Board is to be made, the following provisions shall apply:—

1. The application shall be made in writing in the prescribed form, and shall be in substance a request to the Minister to appoint a Board to which the existing dispute may be referred under the provisions of this Act.

2. The application shall be accompanied by —

(*a*) A statement setting forth —

(1) the parties to the dispute;

(2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken;

(3) an approximate estimate of the number of persons affected or likely to be affected by the dispute;

(4) the efforts made by the parties themselves to adjust the dispute;

and — (*b* as amended by 9–10 Edw. VII, chap. 29.)

"(*b*) A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarant a lockout or strike will be declared, and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by the said employer) that the necessary authority to declare such lockout or strike has been obtained; or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees and so recognized by the employer, a statutory declaration by the chairman or president and by the secretary of such committee setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarants a strike will be declared, that the dispute has been the subject of negotiations between the committee and the employer, that all efforts to obtain a satisfactory settlement have failed, and that there is no reasonable hope of securing a settlement by further negotiations."

16. The application and the declaration accompanying it

(3) if made by employees, members of a trade union, shall be signed by two of its officers duly authorized by a majority vote of the members of the union, or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days' notice for the purpose of discussing the question;

(4) if made by employees, some or all of whom are not members of a trade union, shall be signed by two of their number duly authorized by a majority vote taken by ballot of the employees present at a meeting called on not less than three days' notice for the purpose of discussing the question.

21. Any dispute may be referred to a Board by application in that behalf made in due form by any party thereto; provided that no dispute shall be the subject of reference to a Board under this Act in any case in which the employees affected by the dispute are fewer than ten.

23. In every case where a dispute is duly referred to a Board it shall be the duty of the Board to endeavor to bring about a settlement of the dispute, and

to this end the Board shall, in such manner as it thinks fit, expeditiously and carefully inquire into the dispute and all matters affecting the merits thereof and the right settlement thereof. In the course of such inquiry the Board may make all such suggestions and do all such things as it deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute, and may adjourn the proceedings for any period the Board thinks reasonable to allow the parties to agree upon terms of settlement.

24. If a settlement of the dispute is arrived at by the parties during the course of its reference to the Board, a memorandum of the settlement shall be drawn up by the Board and signed by the parties, and shall, if the parties so agree, be binding as if made a recommendation by the Board under section 62 of this Act, and a copy thereof with a report upon the proceedings shall be forwarded to the Minister.

25. If a settlement of the dispute is not arrived at during the course of its reference to the Board, the Board shall make a full report thereon to the Minister, which report shall set forth the various proceedings and steps taken by the Board for the purpose of fully and carefully ascertaining all the facts and circumstances, and shall also set forth such facts and circumstances, and its findings therefrom, including the cause of the dispute and the Board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case.

28. Upon receipt of the Board's report the Minister shall forthwith cause the report to be filed in the office of the Registrar and a copy thereof to be sent free of charge to the parties to the dispute, and to the representative of any newspaper published in Canada who applies therefor, and the Minister may distribute copies of the report, and of any minority report, in such manner as to him seems most desirable as a means of securing a compliance with the Board's recommendation. The Registrar shall, upon application, supply certified copies for a prescribed fee, to persons other than those mentioned in this section.

29. For the information of Parliament and the public, the report and recommendation of the Board, and any minority report, shall, without delay, be published in the *Labour Gazette*, and be included in the annual report of the Department of Labour to the Governor General.

30. For the purpose of its inquiry the Board shall have all the powers of summoning before it, and enforcing the attendance of witnesses, of administering oaths, and of requiring witnesses to give evidence on oath or on solemn affirmation (if they are persons entitled to affirm in civil matters) and to produce such books, papers or other documents or things as the Board deems requisite to the full investigation of the matters into which it is inquiring, as is vested in any court of record in civil cases.

2. Any member of the Board may administer an oath, and the Board may accept, admit and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not.

56. It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any dispute prior to or during a reference of such dispute to a Board of Conciliation and Investigation under the provisions of this Act, or prior to or during a reference under the provisions concerning railway disputes in the Conciliation and Labour Act: Provided that nothing in this Act shall prohibit the suspension or discontinuance of any industry or of the working of any persons therein for any cause not constituting a lockout or strike: Provided also that, except where the parties have entered into an agreement under section 62 of this Act, nothing in this Act shall be held to restrain any employer from declaring a lockout, or any employee from going on strike in respect of any dispute which has been duly referred to a Board and

which has been dealt with under section 24 or 25 of this Act, or in respect of any dispute which has been the subject of a reference under the provisions concerning railway disputes in the Conciliation and Labour Act.

57. Employers and employees shall give at least thirty days' notice of an intended change affecting conditions of employment with respect to wages or hours; and in every case where a dispute has been referred to a Board, until the dispute has been finally dealt with by the Board, neither of the parties nor the employees affected shall alter the conditions of employment with respect to wages or hours, or on account of the dispute do or be concerned in doing, directly or indirectly, anything in the nature of a lockout or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall continue uninterrupted by the dispute, or anything arising out of the dispute; but if, in the opinion of the Board, either party uses this or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay,and the Board so reports to the Minister, such party shall be guilty of an offence, and liable to the same penalties as are imposed for a violation of the next preceding section.

58. Any employer declaring or causing a lockout contrary to the provisions of this Act shall be liable to a fine of not less than one hundred dollars, nor more than one thousand dollars for each day or part of a day that such lockout exists.

59. Any employee who goes on strike contrary to the provisions of this Act shall be liable to a fine of not less than ten dollars nor more than fifty dollars, for each day or part of a day that such employee is on strike.

60. Any person who incites, encourages or aids in any manner any employer to declare or continue a lockout, or any employee to go or continue on strike contrary to the provisions of this Act, shall be guilty of an offence and liable to a fine of not less than fifty dollars nor more than one thousand dollars.

62. Either party to a dispute which may be referred under this Act to a Board may agree in writing, at any time before or after the Board has made its report and recommendation, to be bound by the recommendation of the Board in the same manner as parties are bound upon an award made pursuant to a reference to arbitration on the order of a court of record; every agreement so to be bound made by one party shall be forwarded to the Registrar, who shall communicate it to the other party, and if the other party agrees in like manner to be bound by the recommendation of the Board, then the recommendation shall be made a rule of the said court on the application of either party and shall be enforceable in like manner.

63. In the event of a dispute arising in any industry or trade other than such as may be included under the provisions of this Act, and such dispute threatens to result in a lockout or strike, or has actually resulted in a lockout or strike, either of the parties may agree in writing to allow such dispute to be referred to a Board of Conciliation and Investigation, to be constituted under provisions of this Act.

2. Every agreement to allow such reference shall be forwarded to the Registrar, who shall communicate it to the other party, and if such other party agrees in like manner to allow the dispute to be referred to a Board, the dispute may be so referred as if the industry or trade and the parties were included within the provisions of this Act.

By the Amendment of 1918 it was provided that: Where in any industry a strike or lockout has occurred, and in the public interest or for any other reason it seems to the Minister expedient, the Minister, on the application of any municipality interested, or of the mayor, reeve, or other head officer, or acting head officer thereof, or of his own motion may, without application of either of the parties to the dispute, strike or lockout, whether it involves one or more employers or employees in the employ of one or more employers, consti-

tute a Board of Conciliation and Investigation under this Act in respect of any dispute, or strike or lockout, or may in any such case, if it seems to him expedient, either with or without an application from any interested party, recommend to the Governor in Council the appointment of some person or persons as commissioner or commissioners under the provisions of the Inquiries Act to inquire into the dispute, strike or lockout, or into any matters or circumstances connected therewith.

The Minister, where he deems it expedient, may, either upon or without any application in that behalf, make or cause to be made any inquiries he thinks fit regarding industrial matters, and may cause such steps to be taken by his department and the officers thereof as seem calculated to secure industrial peace and to promote conditions favourable to settlements of disputes."

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